



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 5, 2006

The Honorable Lawrence C. Ross, Chairman
Science, Technology, and Energy Committee
Legislative Office Building, Room 304
Concord, New Hampshire 03301

Re: HB 1579 - An Act relative to the Membership of the Air Resources Council

Dear Chairman Ross and Members of the Committee:

The New Hampshire Department of Environmental Services (NHDES) is writing in support of House Bill 1579 which proposes to revise RSA 21-O:11 which currently reads as follows:

21-O:11 Air Resources Council. –

I. There is hereby established an air resources council which shall be composed of 11 members, including one representing the steam power generating industry; one representing the oil industry; one representing the natural gas industry; one representing the manufacturing component of industry; one representing the field of municipal government; and 6 members appointed at large who shall represent the public interest, one of whom shall be a licensed practicing physician, one of whom shall represent the field of recreation, and at least one of whom shall represent environmental interests. The council members who shall represent the public interest may not derive any significant portion of their income from persons subject to permits or enforcement orders, and may not serve as attorney for, act as consultant for, serve as officer or director of, or hold any other official or contractual relationship with any person subject to permits or enforcement orders. All potential conflicts of interest shall be adequately disclosed. The members shall be residents of the state and shall be appointed by the governor with the consent of the executive council. Each member shall serve for a term of 4 years.

Under the provisions of **RSA 21-O:11**, the Air Resources Council (ARC) is required to include a licensed practicing physician as one of its eleven members. Given past difficulties in recruiting and retaining a licensed practicing physician, the ARC recommends that the language of **RSA 21-O:11** and HB 1579 be amended to read: "... one of whom shall be a licensed practicing physician, *or other health care professional possessing expertise in the field of public health and the health-related impacts of air pollution.*"

This language reflects the sense of the ARC that they would prefer to have a licensed practicing physician if possible, but that the description needs to be broadened to include

other health care professionals with expertise in public health in the event that no physician is available to serve. The recommended amendment ensures that the council member possess an understanding of air pollution impacts in the public health sector.

The NHDES appreciates the opportunity to provide testimony related to House Bill 1579. If you have additional questions please contact me, or Thomas (Ted) Sutton, Chairman of the Air Resources Council at (603) 745-2757.

Sincerely,



Michael P. Nolin
Commissioner

cc: Members of the Science, Technology & Energy Committee